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10/2/02

In the United States Patent and Trademark Office

Application Number: 09/918580
Application Filed: July 31, 2001
Applicant(s): Derek Barnet Shuman
Application Title: Convertible Clipless Binding/Unbound Bicycle Pedal
Examiner/GAU: McAnulty, T. / 3682

Mailed: September 18, 2001
At: Oakland, CA

Election A

Assistant Commissioner for Patents
Washington, District of Columbia, 20231

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Sir:

Pursuant to the Office Action mailed 8/29/02, requiring election under 35 U.S.C. 121, Applicant makes the following election of a single disclosed species for prosecution, to which claims shall be restricted, should the generic claim 1, covering both Species I and II, not be allowed:

Elected Species: Species I - Figure 1A

Furthermore, Claims 1,2,3,5,6,7 are all readable on Species I

Remarks:

Applicant wishes to make the following remarks both in support of allowance of Claim 1, and the allowance of both Species I and II as variants of a single invention, should this be in doubt:

The generic Claim 1 captures not only the essential functionality that provides the novel benefits of the claimed invention, namely that of providing the rider with an easily and quickly effected choice of either clipless binding or unbound mode of operation on both pedal sides simultaneously, without the use of external attachments or tools, but it also captures the essential operational motions of the binding and shoe supporting surface needed to provide such functionality, that is, a relative height variability between a binding and an unbound shoe supporting surface that is sufficient to provide proper shoe support in either mode. Both the novel